

108TH CONGRESS
1ST SESSION

H. R. 2862

To amend the Satellite Home Viewer Improvement Act of 1999 to provide residents of States with single network affiliate stations to receive the signals of such stations via satellite, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. BRADLEY of New Hampshire (for himself and Mr. BASS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Satellite Home Viewer Improvement Act of 1999 to provide residents of States with single network affiliate stations to receive the signals of such stations via satellite, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Country Access
5 Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Under the provisions set forth in section
2 122 of title 17, United States Code, a satellite car-
3 rier retransmitting to its subscribers an over-the-air
4 television broadcast station within the local market
5 of that station may make a secondary transmission
6 under the statutory license of the programming con-
7 tained on that broadcast signal.

8 (2) Under the section 119 of title 17, United
9 States Code, a satellite carrier retransmitting to its
10 subscribers an over-the-air television broadcast sta-
11 tion from a distant market may make a secondary
12 transmission under the statutory license of the pro-
13 gramming contained on that broadcast signal. How-
14 ever, the statutory license under section 119 does
15 not permit retransmission of a distant network tele-
16 vision station to subscribers who reside within the
17 local market of a television station owned by or af-
18 filiated with the same network and who receive an
19 over-the-air signal of Grade B intensity, as defined
20 by the Federal Communications Commission, using
21 a conventional rooftop antenna.

22 (3) Within some States of the United States,
23 there is only one licensed commercial network tele-
24 vision station of any network. Nevertheless, there
25 can be more than one television market within the

1 State, as defined by the Federal Communications
2 Commission, resulting in the commercial network
3 station being a distant signal to satellite subscribers
4 who are located outside the local market of the sta-
5 tion but who reside within the geographic borders of
6 the State. As a result, many of these satellite sub-
7 scribers outside the local market are not eligible to
8 receive the commercial network station under either
9 the section 119 or section 122 statutory license.

10 (4) Such a commercial television network sta-
11 tion serves a strong public interest in the State by
12 providing regional and local news, weather, and
13 other information. There is an important interest in
14 assuring that all citizens of that State be eligible to
15 receive satellite service of that commercial network
16 station under the copyright laws.

17 **SEC. 3. DEFINITION OF LOCAL MARKET TO INCLUDE EN-**
18 **TIRE STATE.**

19 Section 122(j)(2) of title 17, United States Code, is
20 amended—

21 (1) by redesignating subparagraph (C) as sub-
22 paragraph (D); and

23 (2) by inserting after subparagraph (B) the fol-
24 lowing new subparagraph:

1 “(D) STATES WITH SINGLE COMMERCIAL
2 NETWORK STATION.—In addition to the areas
3 described in subparagraphs (A) and (B), a com-
4 mercial network station’s local market shall in-
5 clude all communities within the geographic
6 borders of the State in which the commercial
7 network station is licensed, if that commercial
8 network station is the only commercial network
9 station of any network licensed within the
10 State. ”.

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